

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

KIRK C. CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 5:10-CV-303 (MTT)
	)	
THOMAS HARVILL, <i>et. al</i> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 41). The Magistrate Judge recommends denying the Defendants' Motion for Summary Judgment because there is a genuine issue of material fact whether Defendants Thomas Harvill, Barclay Banta, Curtis Carter, Alexander Daniels, and Chad Littlejohn applied excessive force and whether Defendants David Etheridge, Dwain Williams, and Jesse Floyd failed to protect the Plaintiff.<sup>1</sup> The Defendants filed an objection to the Recommendation. (Doc. 42). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Objection and has made a de novo determination of the portions of the Recommendation to which the Defendants object.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Motion is **DENIED**.

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<sup>1</sup> Defendants Dickerson and Gates have not been served, and thus they are not parties to this action.

**SO ORDERED**, this the 19th day of March, 2012.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT